SINGLE BENCH

CF/1001

(9)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 2903 /2005

PETITIONER

Haroon Masih, aged about 56 years, s/o. Shri Heeralal Masih, r/o Ward No.5, Opposite ~~Talkies~~ Talkies, Takhatpur, Distt. Bilaspur (C.G.)

P.R. No. 3095/05
Presented by Shri N.L. Acharya
dated 6/7/05

VERSUS

RESPONDENT

Nagar Panchayat - Takhatpur, Distt. Bilaspur, through - Its Chief Executive Officer, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(28)

आदेश पत्रक

मामला क्रमांक W.P. 2903/ सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7-7-2005

Heard Mr. Ali Asgar, counsel for the petitioner.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, being aggrieved by notice dated 1-7-2005 passed by the Chief Executive Officer, Nagar Panchayat: Takhatpur, by which the Chief Executive Officer has directed the petitioner to remove encroachment from Khasra No.474/1.

The petitioner's claim is that he took the land in question which is of the size of 16 x 10 ft. on lease from Christian Society, he constructed a shop and he is running the shop smoothly. However, the respondent has issued the notice Annexure P-2 on the ground that the said land belongs to Nagar Panchayat: Takhatpur, and the petitioner is encroacher on the said land.

From above facts it appears that the petitioner has claimed that land through the Christian Society, whereas, the Chief Executive Officer has given the notice Annexure P-2 on the ground that the said land belongs to the Nagar Panchayat. In view of the above disputed facts regarding title of the land, this writ petition cannot be entertained. However, the petitioner is at liberty to move appropriate forum for redressal of his grievance. The respondent should not act upon the notice Annexure P-2 for a period of seven days from today.

With the above observations and direction the petition stands disposed of, at the admission stage itself.

Consequently, M.(W.)P.No.2428/2005 and I.A.No.5725/2005 also stand disposed of.

Certified copy today.

Sd/-
L.C. Bhadoo
Judge

(पाछ दाखय)

SENIOR

7-7-05